

**From:** Mike Payne <mpayne@ucdavis.edu>  
**To:** <NPDES\_CAFD@rb5s.swrcb.ca.gov>  
**Date:** Thu, Nov 4, 2004 4:36 PM  
**Subject:** CDQAP Comments on Draft Permit

Dear Staff,

Attached as a MS Word document are comments for inclusion into the December meeting packet on the draft CAFD permit. Thank you.

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November 4, 2004

Mr. Thomas Pinkos, Executive Officer  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-6114

Dear Mr. Pinkos:

What follows are comments related to your draft documents released September 28, 2004 regarding permitting of existing dairy facilities with 700 or more milking and dry cows. Your cover letter indicated that written comments must be received by November 5, 2004 be included in the December Board meeting packet. Because of the extremely limited window for inclusion, the comments below are general in nature. Our constituent partners will make additional written comments.

The California Dairy Quality Assurance Program (CDQAP) is a partnership with regulatory agencies, technical and financial service agencies, the California Department of Food and Agriculture, dairy industry groups, an environmental group, and the University of California. This partnership strives for compliance through education and third-party on-farm verification. Over the last 3 years staff from the various organizations and agencies making up the partnership have strived to be included in the permit development process. Many of these individuals have read the draft documents and have provided the following comments:

- 1) There is no reference in the draft to the CDQAP despite the fact that staff was directed at numerous Board meetings to include the program. There have been measurable improvements in management practices as a result of the efforts of the CDQAP partners. If the permit fails to provide incentives for CDQAP utilization, it will effectively eliminate a program that has historically proven to be the most effective catalyst for on-the-farm change available to the State's producers.
- 2) Failure to include CDQAP is particularly problematic for California given our current budget crisis. The CDQAP has established a stunning network to leverage resources, engage interested parties

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- and deliver compliance information to dairy operators.
- 3) The documentation proposed in the draft permit is lengthy and confusing. Development of standard reporting forms (something done by other regional boards) would greatly facilitate producer education and compliance. In addition this would make for more efficient use of staff time when reviewing forms. Similarly the timeline for the WMP and MWIP are confusing. A list itemizing required technical and non-technical reports, due dates, and required signatories is badly needed. The CDQAP partners renew our offer to work with Region 5 staff to develop forms and informational materials that will be understandable to producers and efficient for staff.
  - 4) The documents fail to adopt or identify standards for development of the Nutrient Management Plan. For instance, frequency of sampling for soil, manure, and plants should be included in the NMP and should be developed based sound science and site-specific needs. Without specific targets, standards or at very least specific approved Best Management Practices, it is virtually impossible for producers to achieve compliance. Additionally the Federal CAFO Rule requires implementation of a Nutrient Management Plan (NMP) by December 2006. The proposed document does not however clearly itemize what the Regional Board requires to be completed by that date.
  - 5) Similarly odor and nuisance requirements should not be included without a clear set of standards. The San Joaquin Valley Air Pollution Control District is actively addressing gaseous and particulate emissions. Without a clear set of science-based standards it is virtually impossible for producers to achieve compliance.
  - 6) There is insufficient consulting capacity in California to deliver both the engineering and agronomic requirements. Given the limited resources and the short time available to develop and train new individuals, it is critical to simplify and separate those practices that can be conducted by other parties. Calculating capacity of an existing storage pond, for instance, in many cases does not require an engineer. The CDQAP has trained a talented group of partners to perform this task.
  - 7) The problem of insufficient engineers knowledgeable in animal nutrient management is further exacerbated by draft requirements requiring engineer certification on management practices and some preexisting structures. Engineering companies typically do not certify management practices and preexisting structures.

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- 8) Groundwater monitoring cannot be used to determine if an NMP is implemented correctly basin-wide. Requiring groundwater monitoring at all facilities greater than 1300 milking and dry cows during the first permit diverts resources from activities that could yield environmental improvements (proper application). The University of California has provided research data and written opinions to this effect.
- 9) A number of manure components for which the draft permit requires analysis have limited, if any, value related to agronomic application decisions. Inclusion of these components only serves to drive up the cost of analysis without realizing environmental benefits. This problem is compounded by the fact that there is limited laboratory capacity in California to analyze for all of the elements and that real time results of analyses are not available for all of the elements identified. Thus, a shorter list of relevant nutrient components would be a more efficient use of resources. The University is prepared to make recommendations for such a list if requested.

We renew our offer to work with Region 5 staff and the environmental community to craft a permit that will both protect the environment and allow compliance by the state's producers. Thus far, staff has limited CDQAP partnership to providing comments.

Given the number of producers affected, the complexity of the permit requirements and the extremely short time frame under which producers will be required to comply, it will be impossible for the regulatory agencies, the University of California or the industry to achieve the necessary outreach to producers without a concerted and intense collaboration. A lack of cooperation in this matter is setting up both dairy producers and Region 5 for failure.

To not utilize the expertise available through the CDQAP partnership in developing a workable, effective permit would be a tragic miscalculation and would ignore the Governor's mission to bring industries and government together *"to work together, to work openly, and to work for the greater good"*.

The CDQAP requests that staff be directed to incorporate the CDQAP into the permit with incentives for participation. In addition we suggest that staff be directed assist the CDQAP partners in creation and dissemination of materials to leverage outreach and thus maximize producer compliance following permit implementation.

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Sincerely,

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Environmental Stewardship Module Coordinator

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